IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2774 OF 2007

IN

EXECUTION APPLICATION NO. 188 OF 2007

IN

EXECUTION OF WARRANT OF ATTACHMENT

IN

CASE NO. 42 OF 2005

Ms.Padma Jamnadas Navsariwala..... Plaintiff.

Versus

Mr. Hemang Pramod Tanna..... Defendant.

-: ALONG WITH :-

NOTICE OF MOTION NO. 2790 OF 2007

IN

EXECUTION OF WARRANT OF ATTACHMENT

IN

CASE NO. 42 OF 2005

Ms.Padma Jamnadas Navsariwala..... Plaintiff.

Versus

Mr. Hemang Pramod Tanna..... Defendant.

and

Mrs.Chandrika Hemang Tanna..... Applicant.

Mrs. R.D.Bhatia for Defendant in support and
for Applicant in support.
Mr. Munir Merchant for the Plaintiff to show cause.

CORAM : S.J.VAZIFDAR, J.

DATED : 19TH NOVEMBER, 2007.

P.C.:

The above notices of motion may conveniently be disposed of by a common order.

2. The above execution proceedings have been adopted in respect of a decree dated 2nd February, 2007 issued by the Competent Authority under the Maharashtra Rent Control, Konkan Division, Mumbai, under the Maharashtra Rent Control Act, 1999.

3. The first notice of motion has been taken out by the defendant himself and the second notice of motion has been taken out by the defendant’s wife on behalf of herself and her minor son on the ground that her personal belongings and those of the minor son have been wrongly attached.

4. As far as the first notice of motion is concerned, there is no stay of the execution of the said decree by the Appellate Authority. It is conceded that the Appellate authority has power to stay the execution of the decree passed by the Competent Authority.

5. In the circumstances the first notice of motion is dismissed. However, the dismissal of the notice of motion will not affect the rights of the defendant to apply for stay of the execution of the said decree.

6. As far as the second notice of motion is concerned, there are no particulars regarding the personal belongings of the defendant’s wife and/or her son. The applicant is at liberty to take inspection of the attached property including the contents thereof and make a fresh application after furnishing particulars. The inspection shall be in the presence of the parties and their representatives. The inspection shall be given within one week of the receipt of an application in that behalf by the Sheriff of Mumbai.

7. In the circumstances the second notice of motion is disposed of with the above clarification.

Sd/-

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